

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LEO J. NIXON : Bankruptcy Case No. 19-11217-TPA
: Chapter 13
Debtor :

PLAN CONFIRMATION ORDER

A It is hereby **ORDERED** that with the consent of the Debtor, the Chapter 13 Plan dated January 2, 2020, except as modified herein as checked below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which conference is scheduled for *N/A* (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.

- ☐ 1. For the remainder of the Plan term, the periodic Plan payment is to be ____ as of _____. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ 2. The length of the Plan is increased to a total of ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ 3. Plan terms are subject to the resolution of all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ 4. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ 5. _____ shall be paid monthly payments of \$_____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- X 6. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Erie Water Works (Claim No. 5)
- X 7. Additional Terms:
a.) The Interim Confirmation Order dated January 20, 2020 and filed at Doc. No. 20 is **VACATED**.
b.) The secured claim of the following Creditor shall govern as to claim amount, to be paid at the modified plan terms: Erie Federal Credit Union (Claim No. 3), payment determined by Trustee.

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)(3)*, any party in interest with an objection to any provision of this Confirmation Order must

file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this Confirmed Plan. The Trustee may only disburse funds pursuant to this Confirmation Order upon expiration of the foregoing twenty-eight (28) day period.

2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. Review of Claims Docket and Objections to Claims. Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely..

4. Motions or Complaints Pursuant to §§506, 507, or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

2. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

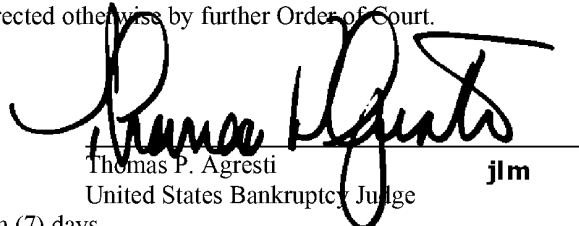
3. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

4. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

5. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

6. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 29, 2020


Thomas P. Agresti
United States Bankruptcy Judge jlm

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:
Leo J. Nixon
Debtor(s)

Case No. 19-11217-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Sep 29, 2020

User: agro
Form ID: pdf900

Page 1 of 2
Total Noticed: 23

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 01, 2020:

Recip ID	Recipient Name and Address
db	+ Leo J. Nixon, 2318 Reed Street, Erie, PA 16503-2140
cr	+ ABFC 2002-WF1 Trust, 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067
15184011	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15168871	+ Erie Federal Credit Union, 3503 Peach Street, Erie, PA 16508-2741
15168872	+ Erie Water Works, 340 West Bayfront Parkway, Erie, PA 16507-2004
15287715	+ FFCC, 24700 Chagrin Blvd, Cleveland, OH 44122-5647
15168873	+ First Federal Credit Control, 24700 Chagrin Boulevard, Cleveland, OH 44122-5662
15168874	+ First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145
15168879	+ Specialized Loan Servicing, 8742 Lucent Boulevard, Suite 300, Littleton, CO 80129-2386
15201220	+ U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
15168880	+ UPMC Hamot Surgery Center, 200 State Street, Erie, PA 16507-1499

TOTAL: 11

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15168868	+ Email/Text: ally@ebn.phinsolutions.com	Sep 30 2020 03:38:00	Ally Financial, PO Box 380901, Bloomington, MN 55438-0901
15168869	+ Email/Text: bankruptcy.notifications@fisglobal.com	Sep 30 2020 03:43:00	Chex Systems Inc., Attn: Customer Relations, 7805 Hudson Road, Suite 100, Saint Paul, MN 55125-1703
15168870	+ Email/PDF: creditonebknofications@resurgent.com	Sep 30 2020 03:09:42	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
15168873	+ Email/Text: alyse@ffcc.com	Sep 30 2020 03:38:00	First Federal Credit Control, 24700 Chagrin Boulevard, Cleveland, OH 44122-5662
15194594	Email/Text: JCAP_BNC_Notices@jcap.com	Sep 30 2020 03:42:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15168875	+ Email/Text: PBNCNotifications@peritussservices.com	Sep 30 2020 03:38:00	Kohls / Capital One, Po Box 3115, Milwaukee, WI 53201-3115
15168876	+ Email/PDF: resurgentbknofications@resurgent.com	Sep 30 2020 03:09:55	LVNV Funding LLC, c/o Resurgent Capital Services, PO Box 10675, Greenville, SC 29603-0675
15170513	Email/PDF: resurgentbknofications@resurgent.com	Sep 30 2020 03:09:55	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15174851	Email/PDF: MerrickBKNotifications@Resurgent.com	Sep 30 2020 03:09:23	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
15168877	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Sep 30 2020 03:11:06	Merrick Bank Corporation, Po Box 9201, Old Bethpage, NY 11804-9001
15168878	+ Email/Text: bankruptcy@sccompanies.com	Sep 30 2020 03:45:00	Midnight Velvet, 1112 7th Avenue, Monroe, WI 53566-1364
15192397	+ Email/Text: JCAP_BNC_Notices@jcap.com		

District/off: 0315-1

User: agro

Page 2 of 2

Date Rcvd: Sep 29, 2020

Form ID: pdf900

Total Noticed: 23

Sep 30 2020 03:43:00

Premier Bankcard, Llc, Jefferson Capital Systems
LLC Assignee, Po Box 7999, Saint Cloud Mn
56302-7999

15168881 + Email/Text: bnc-bluestem@quantum3group.com

Sep 30 2020 03:44:00

Webbank / Fingerhut, 6250 Ridgewood Road,
Saint Cloud, MN 56303-0820

TOTAL: 13

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		ABFC 2002-WF1 Trust, ABFC Mortgage Loan Asset-Back
15284910	*+	U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 29, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor ABFC 2002-WF1 Trust ABFC Mortgage Loan Asset-Backed Certificates, Series 2002-WF1, U.S. Bank National Et Al... bnicholas@kmlawgroup.com
Daniel P. Foster	on behalf of Debtor Leo J. Nixon dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 4